

**TOWN OF LONGMEADOW  
ANNUAL TOWN MEETING - MINUTES  
TUESDAY – JUNE 23, 2020 – 6:00 P.M.**

Acting under the authority of the posted warrant, the qualified voters of the Town met at the time and place appointed. At 6:00 PM o'clock in the evening the Moderator declared the Annual Town Meeting open, there being a quorum (50 registered voters) present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Longmeadow resident, Peter Maziarz to give the invocation. Select Board Chair Person Thomas Lachiusa presented the Citizen of Year award to David Martel and a special recognition award to Marie Angelides for her years of service to the Town and its residents.

**ARTICLE 1.**

It was a Unanimous Affirmative vote to choose three trustees to administer the William Goldthwait Bequest, and that Frances Miffitt, William McGurk, and Erin Koebler be chosen as trustees.

**CONSENT AGENDA 1 – Articles 2, 3, 4, 5, 6, and 7**

It was a Majority Affirmative vote to approve Articles 2, 3, 4, 5, 6, and 7 as part of a consent agenda.

**ARTICLE 2.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$75,000.00 for the purpose of supplementing the FY 2020 budget for Legal Expenses to cover costs associated with protecting the Town's interests dealing with the distribution of natural gas in Town and other legal matters associated with the site for the new DPW facility.

**ARTICLE 3.**

It was a Majority Affirmative vote to transfer \$50,000.00 from available funds in the Treasury, and \$50,000.00 from the Ambulance Fund for the purpose of supplementing the FY 2020 budget Fire Overtime.

**ARTICLE 4.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$62,000.00 and \$25,000.00 from the FY 20 budget for Recreation Day Care salaries, for the purpose of supplementing the FY 2020 Snow and Ice removal deficit.

**ARTICLE 5.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$50,000.00 for the purpose of providing the Town matching share on energy saving projects.

**ARTICLE 6.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$25,000.00 for the purpose of funding ancillary costs associated with converting the Town's existing street lights over to high efficiency LED lighting.

**ARTICLE 7.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$18,600.00 for the purpose of supplementing the FY 2020 Police Department budget for Training and Uniforms.

**ARTICLE 8.**

The Moderator declared a 4/5ths Affirmative vote to transfer from available funds in the Treasury the sum of \$1,460.92 for the purpose of paying bills of prior year.

**CONSENT AGENDA 2 – Articles 9, 10, 11 and 12**

A motion was moved and seconded to consider Articles 9, 10, 11 and 12 as part of a consent agenda. Articles 9 and 10 were held for discussion and considered separately.

It was a Majority Affirmative vote to approve Articles 11 and 12 as part of a consent agenda.

**ARTICLE 9.**

It was a Majority Negative vote to transfer from available funds in the Treasury the sum of \$100,000.00 for the purpose of producing preliminary survey and design work for the possible reconstruction / reconfiguration of Longmeadow Street / Route 5.

**ARTICLE 10.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$7,975.00 to the Town's Operational Stabilization Fund previously established by vote of Article #15 at the November 18, 2003 Special Town Meeting.

**ARTICLE 11.**

It was a Majority Affirmative vote to transfer from the Solid Waste / Recycling Retained Earnings the sum of \$10,000.00 to cover a portion of the Town's costs associated with the purchase of the new trash barrels made in the fall.

**ARTICLE 12.**

It was a Majority Affirmative vote to transfer from Water Retained Earnings the sum of \$40,000.00 for the purpose of supplementing the FY 2020 water Enterprise budget for Purchase of Water from the City of Springfield.

**\*\*\*\*\*FY 2021 BELOW \*\*\*\*\***

**ARTICLE 13.**

A motion was moved and seconded that the Town vote to fix the Fiscal Year 2021 salary and compensation of the Moderator at \$100.00 and the Select Persons at \$2,000.00 each, to provide for a reserve fund, and to approve the Fiscal Year 2021 operating budget totaling \$72,249,165.00 and itemized as follows:

	Select Board's May's Budget Recommendation with School Committee's February Budget
General Government	\$ 1,690,055.00
Public Safety	\$ 5,599,821.00
Planning & Community Development	\$ 190,870.00
Schools	\$ 36,027,268.00
Department of Public Works (General Fund)	\$ 3,174,630.00
Community and Cultural Services	\$ 1,668,985.00
Debt Service & Town/School Employee/Retiree Benefits	<u>\$ 16,509,626.00</u>
<b>Subtotal General Fund</b>	<b>\$ 64,861,255.00</b>
Solid Waste / Recycling Enterprise Fund	\$ 1,379,779.00
Water Enterprise Fund	\$ 2,952,778.00
Sewer Enterprise Fund	\$ 2,165,663.00
Stormwater Enterprise Fund	<u>\$ 889,690.00</u>
<b>Total</b>	<b>\$ 72,249,165.00</b>

And to fund the General Fund \$64,861,255.00 be raised and appropriated as follows: \$64,861,255.00 from general taxation; and to fund the Solid Waste / Recycling Enterprise Fund \$1,379,779.00 be raised and appropriated as follows: \$320,000.00 from Solid Waste / Recycling receipts and \$1,059,779.00 from general taxation; and to fund the Water Enterprise \$2,952,778.00 be raised and appropriated as follows: \$2,952,778.00 from Water receipts; and to fund the Sewer Enterprise Fund \$2,165,663.00 be raised and appropriated as follows: \$2,165,663.00 from Sewer receipts; and to fund the Stormwater Enterprise Fund \$889,690.00 be raised and appropriated as follows: \$378,120.00 from Stormwater receipts and \$511,570.00 from general taxation.

**A motion was moved and seconded to amend and fix the Fiscal Year 2021 salary and compensation of the Moderator at \$1,000. It was a Majority Affirmative vote to amend.**

**A motion was moved and seconded to amend the Fiscal Year's 2021 budget as amended so as to read:**

that the Town vote to fix the Fiscal Year 2021 salary and compensation of the Moderator at **\$1,000.00** and the Select Persons at \$2,000.00 each, to provide for a reserve fund, and to approve the Fiscal Year 2021 operating budget totaling \$71,899,165.00 and itemized as follows:

Select Board's Modified Budget with the School Committees' Revised Budget:

General Government	\$ 1,690,055.00
Public Safety	\$ 5,599,821.00
Planning & Community Development	\$ 190,870.00
Schools	\$35,677,268.00
Department of Public Works (General Fund)	\$ 3,174,630.00
Community and Cultural Services	\$ 1,668,985.00
Debt Service & Town/School Employee/Retiree Benefits	<u>\$16,509,626.00</u>
<b>Subtotal General Fund</b>	<b>\$64,511,255.00</b>
Solid Waste / Recycling Enterprise Fund	\$ 1,379,779.00
Water Enterprise Fund	\$ 2,952,778.00
Sewer Enterprise Fund	\$ 2,165,663.00
Stormwater Enterprise Fund	<u>\$ 889,690.00</u>
<b>Total</b>	<b>\$71,899,165.00</b>

And to fund the General Fund \$64,511,255.00 be raised and appropriated as follows: \$64,511,255.00 from general taxation; and to fund the Solid Waste / Recycling Enterprise Fund \$1,379,779.00 be raised and appropriated as follows: \$320,000.00 from Solid Waste / Recycling receipts and \$1,059,779.00 from general taxation; and to fund the Water Enterprise \$2,952,778.00 be raised and appropriated as follows: \$2,952,778.00 from Water receipts; and to fund the Sewer Enterprise Fund \$2,165,663.00 be raised and appropriated as follows: \$2,165,663.00 from Sewer receipts; and to fund the Stormwater Enterprise Fund \$889,690.00 be raised and appropriated as follows: \$378,120.00 from Stormwater receipts and \$511,570.00 from general taxation.

It was a Majority Affirmative vote to amend Article 13 as read.

It was a Majority Affirmative vote to approve Article 13 as amended.

**A motion was moved and seconded to advance Articles 33, 34 and 35 before Article 14. The Moderator declared a Majority Negative vote on advancing Articles 33, 34 and 35.**

#### **ARTICLE 14.**

The Moderator declared a Majority Negative vote after a hand count resulted in the Article failing to meet the 2/3rds required for passage. The result of the hand count was as follows: Yes = 138 and No = 139 that the Town of Longmeadow petition the General Court of the Commonwealth of Massachusetts to permit the Town, subject to approval at a town-wide referendum vote, to exempt the Town of Longmeadow from the requirements of paragraphs (b), (d), and (e) of Section 21C of Massachusetts General Law Chapter 59 by adding paragraph (f) as follows:

*(f) The local appropriating authority of any city or town may, by two-thirds vote, seek voter approval at a regular or special election to accept this paragraph f, thereby rejecting the limit set forth in paragraph (b) and not be subject to it provided however that the question submitted shall be as follows:*

*"Shall the Town of Longmeadow adopt paragraph f of MGL Chap 59 section 21C thereby rejecting the 2.5% of assessed market value tax ceiling limit set forth in paragraph b of MGL Chap 59 Sec 21C?"*

*Yes \_\_\_ No \_\_\_";*

*and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".*

or in other ways modifying Chapter 59 section 21C to affect this local exemption from the 2.5% of assessed market value tax ceiling limit.

**CONSENT AGENDA 3 – Articles 15 and 16**

**It was a Majority Affirmative vote to approve Articles 15 and 16 as part of a consent agenda.**

**ARTICLE 15.**

It was a Majority Affirmative vote to raise and appropriate the sum of \$44,089.00 for the purposes of establishing a Wage Settlement Account to cover FY 2021 non-school, non-union wage adjustments.

**ARTICLE 16.**

It was a Majority Affirmative vote to raise and appropriate, and / or transfer from available funds, the following amounts for capital projects and that any remaining amounts from the capital projects be returned to the Capital Stabilization Fund where applicable:

**From Raise and Appropriate (FY2021)**

Project Development	\$ 25,000.00
Project Reserve	\$ 10,000.00
Fire Replacement of Car #2	\$ 52,000.00
High School Fire Door Replacements	\$ 47,000.00
Williams Energy Management System	\$ 45,000.00
Blueberry Hill Drainage & Parking Lot Improvements	\$ 32,000.00
Glenbrook Energy Management System	\$ 42,000.00
Wolf Swamp Boiler Replacement	\$ 175,000.00
School District Wide Exterior Door Replacements	\$ 25,000.00
Parks Glenbrook Irrigation	\$ 50,000.00
Town Hall Replace Boiler, Tank Removal Asbestos Removal	\$ 45,000.00
Community House Door Replacements – Lower Level	\$ 25,100.00
Greenwood Exterior Door Replacement – Final Phase	\$ 41,000.00
DPW Grounds Two (2) 4WD Pickups w/Plows	\$ 94,000.00
DPW Grounds Double Folding Wing Mower	\$ 60,000.00
Guardrail Replacement	\$ 25,000.00
Pavement Preservation	\$ 500,000.00
Sidewalk Replacement	\$ 400,000.00
Turner Park Dam	<u>\$ 117,000.00</u>
<b>Subtotal</b>	<b>\$1,810,100.00</b>

**Multi Fund**

<b>Water Retained</b>	<b>Sewer Retained</b>	<b>Raise &amp; Appropriate</b>
<b><u>Earnings</u></b>	<b><u>Earnings</u></b>	<b><u>FY 2021</u></b>

DPW Shoring System	\$12,500.00	\$12,500.00	\$25,000.00
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**CONSENT AGENDA 4 – Articles 17, 18 AND 19.**

The Moderator declared a 2/3rds Majority Affirmative vote to approve Articles 17, 18 and 19 as part of a consent agenda.

**ARTICLE 17.**

The Moderator declared a 2/3rds Majority Affirmative vote to authorize the Treasurer to borrow the sum of \$300,000.00 for the purposes of replacing a portion of Sewer lines on Converse Street and the related bond costs, to be paid in the first instance from sewer receipts.

**ARTICLE 18.**

The Moderator declared a 2/3rds Majority Affirmative I move that the Town vote to authorize the Treasurer to borrow the sum of \$433,000.00 for the purposes of replacing Water mains on Birch Road and the related bond costs, to be paid in the first instance from water receipts.

**ARTICLE 19.**

The Moderator declared a 2/3rds Majority Affirmative vote to authorize the Treasurer to borrow the sum of \$510,000.00 for the purposes of replacing Culverts on Pondsides Road and the related bond costs, to be paid in the first instance from stormwater receipts.

**A motion was moved and seconded to advance Article 30 before Article 20. The Moderator declared a Majority Affirmative vote to advance Article 30 to be heard before Article 20.**

**ARTICLE 20.**

It was moved and seconded that the Town vote to transfer from the Ambulance Fund the sum of \$322,000.00 for the purchase and equipping of a new ambulance.

A motion was moved to amend the article to add “the Town should prioritize the effort for replacement of the ambulance to used equipment.” The motion failed to get a second.

The Moderator declared a Majority Affirmative on the main motion as read.

**ARTICLE 21.**

It was a Majority Affirmative vote to raise and appropriate the sum of \$180,025.00 for the purposes of paying the FY 2021 District Improvement Financing (DIF) Debt Service.

**CONSENT AGENDA 5 – Articles 22 and 23**

**The Moderator declared a 2/3rds Majority Affirmative vote to approve Articles 22 and 23 as part of a consent agenda.**

**ARTICLE 22.**

The Moderator declared a 2/3rds Majority Affirmative vote to appropriate \$47,836.00 from the state for highway improvements under the authority of M.G.L. Chapter 90 including funds to be received in FY 2020, or any other applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, and borrow in anticipation of state aid for such projects, expend.

**ARTICLE 23.**

The Moderator declared a 2/3rds Majority Affirmative vote to appropriate \$478,362.00 from the state for highway improvements under the authority of M.G.L. Chapter 90 including funds to be received in FY 2021, or any other applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, and borrow in anticipation of state aid for such projects, expend.

**CONSENT AGENDA 6 - Articles 24, 25, 26, 27, 28, and 29**

It was a Majority Affirmative vote to approve Articles 24, 25, 26, 27, 28, and 29 as part of a consent agenda.

**ARTICLE 24.**

It was a Majority Affirmative vote to raise and appropriate the sum of \$8,000.00 from the FY 2021 Community Preservation local surcharge and trust fund for administrative costs for the Community Preservation Committee.

**ARTICLE 25.**

It was a Majority Affirmative vote to fund the Community Preservation Project for the Repair of the Storrs Library roof in the amount of \$223,000.00 funded first from the Community Preservation Historic Preservation Fund Balance, and then from the Undesignated Fund balance.

**ARTICLE 26.**

It was a Majority Affirmative vote to fund the Community Preservation Project for the repair of the Community House roof and gutters in the amount of \$120,000.00 funded from the Undesignated Fund Balance.

**ARTICLE 27.**

It was a Majority Affirmative vote to fund the Community Preservation Project for the improvement of the softball field at Russell Field in the amount of \$40,545.00 to be funded from the Recreation/Open Space Fund Balance.

**ARTICLE 28.**

It was a Majority Affirmative vote to fund the Community Preservation Project for Phase II of remediation of Russell Field in the amount of \$20,000.00 to be funded from the Community Preservation Undesignated Fund Balance.

**ARTICLE 29.**

It was a Majority Affirmative vote to fund the Community Preservation Project for Japanese Knotweed eradication in the amount of \$4,800.00 to be funded from the Community Preservation Undesignated Fund Balance.

**ARTICLE 30.**

It was a Majority Affirmative vote to fund the Community Preservation Project for a Feasibility / Design Study for a Skate Park in the amount of \$15,000.00 to fund a study for the feasibility and design of a skate park to be funded from the Community Preservation Undesignated Fund Balance.

**CONSENT AGENDA 7 – Articles 31 and 32**

**It was a Majority Affirmative vote to approved Articles 31 and 32 as part of a consent agenda.**

**ARTICLE 31.**

It was a Majority Affirmative vote to establish a funding limit for the Town’s Council on Aging Revolving Fund with payments from the fund to be expended by the Director of the Council on Aging up to \$85,000.00.

**ARTICLE 32.**

It was a Majority Affirmative vote to amend Article Two, Chapter 700 Wetlands Control of the General Bylaws of the Town to reflect current administrative practices for processing wetlands permits by deleting:

**2-701. Wetlands Control.**

- (a) **Purpose.** The purpose of this by-Laws is to protect the flood plains and wetlands of the Town of Longmeadow by controlling activities deemed to have a significant effect upon wetland values which include but are not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, fisheries, shellfish, wildlife, recreation and threatened or endangered species (collectively, the "interests protected by this by-Laws").

No person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, beach, flat, marsh, wet meadow, bog, swamp or upon or within one hundred (100) feet of any brook, creek, river, stream (intermittent or otherwise), pool or lake, or upon or within one hundred (100) feet of any land under said waters or upon or within one hundred (100) feet of any land subject to flooding or inundation, or within one hundred (100) feet of the 100-year storm line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services, without filing written application with the Longmeadow Conservation Commission for a Permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a Permit issued to this By-Law. The provisions of this Section shall not apply to work performed for maintenance of land in agricultural use.

- (b) **Application.** Application for a Permit may be identical in form to a Notice of Intent filed pursuant to Massachusetts General Laws, Chapter 131, Section 40, and shall be sent by certified mail or hand delivered the Longmeadow Conservation Commission. The Commission shall set a filing fee by regulation; such filing fee shall be payable to the Town of Longmeadow. Application must be filed concurrently with or after application for all other variances and approvals required by Zoning by-Law, the Subdivision Control Law or any other by-Law or Regulation have been obtained. No filing fee is required when the Town of Longmeadow files an application for a Permit. Copies of the application shall be set at the same time by certified mail or hand delivered to the Town Manager, the Planning Board, the Board of Health, the Building Commissioner, the Director of Public Works, the abutters and the *Department of Environmental Protection (“DEP”)* or any successor agency. The Conservative Commission may require other forms of filing. Upon written request of any person, the Commission shall, within twenty-one (21) days of receipt of this request make a written Determination of Applicability as to whether this By-Law applies to any land or work thereon. When the person requesting a Determination is other than the owner, notice of the Determination shall be sent to the owner as well as to the requesting person.

The Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior Determination or for the purpose of carrying out its duties under this By-Law and may make or cause to be made such examination or survey as deemed necessary.

(c) **Hearing.** The Commission shall hold a public hearing on the application for a Permit within twenty-one (21) days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to hearing, by publication in the Springfield Newspapers and by mailing a notice to the applicant, the Town Manager, the Board of Health, the Planning Board, the Building Commissioner, the Director of Public Works, the abutters and the *Department of Environmental Protection* (“DEP”) or any successor agency and to such other persons as the Commission may by regulation require. Notice published for a hearing under the Wetlands Protection Act may be expanded to include the Town's Wetlands By-Law.

(1) **Permit and Conditions.** If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this By-Law, the Commission shall, within twenty-one (21) days of such hearing, issue or deny a Permit for the work requested. If it issues a Permit after making such determination, the Commission shall impose such conditions as it determines are necessary to desirable for protection of those interests, and all work shall be done in accordance with those conditions or it may deny the application. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this By-Law, or that the proposed activity does not require the imposition of conditions, it shall issue a Permit without conditions within twenty-one (21) days of the public hearing. Permits shall expire one (1) year from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. A request for renewal shall be made in writing to the Conservation Commission at least two (2) weeks prior to date of expiration.

(2) **Denials.** The Conservation Commission is empowered to deny permission for any removal, dredging, filling or altering of subject lands within the Town if, in its judgment, such denial is necessary to preserve the interests described in this By-Law of either or both the subject lands and contiguous lands.

Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-Law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

(3) **Emergency projects.** The notice required in this By-Law shall not apply to emergency projects necessary for the protection of health or safety of the citizens of Longmeadow and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

(d) **Pre-Acquisition Violation.** Any person who purchases, inherits or acquires real estate upon which work has been done in violation of the provisions of this By-Law or in violation of any Permit issued pursuant to this By-Law shall forthwith comply with any such order or restore such land to its condition prior to any such violation; however, that no action, civil or criminal, shall be brought against such person unless commenced within three (3) years following the date acquisition of the real estate by such person.

(e) **Regulations.** After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the By-Law.

(f) **Burden of Proof.** The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this By-Law. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this By-Law shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

(g) **Definitions.** The following definitions shall apply in the interpretation and implementation of this By-Law:

(1) **“Person”.** The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agencies, public or quasi-public corporations or bodies, the Town of Longmeadow, and any other legal entity, its legal representatives, agents or assigns.

(2) **“Alter”.** The term “alter” shall include, without limitation, the following actions when undertaken in areas subject to this by-Law:

- (a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- (b) Changing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;

- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life, including cutting of trees and shrubs;
- (h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

**(3) "Banks".** The term "banks" shall mean that part of land adjoining any body of water which confines the water.

**(4) "Freshwater Wetlands".** The term "freshwater wetlands" as used in this By-Laws shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting sub state for a plant community for at least five (5) months of the year; emergent or submergent plant communities in inland waters; that portion of any bank which touches any inland waters.

**(5) "Agricultural Practices".**

(a) The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Chapter 61A, Sections 1-5;

(b) The term "qualifying wetland" shall mean only areas which are seasonally flooded basins of flats or inland freshwater meadows;

(c) The term "normal maintenance of land in agricultural use" shall have the same meaning as the definition contained in regulations of the Department of Environmental Protection found at 310 CMR 10.04(b). (Revised at Annual Town Meeting April 25, 2006, Article 29; approved by the Attorney General August 31, 2006)

**(6) Additional Definitions.** The Commission may adopt additional definitions not inconsistent with subsection (g), in its regulations promulgated pursuant to subsection (e) of this By-Law.

**(h) Security.** The Commission may require, as a Permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(1) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Longmeadow;

(2) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

**(i) Enforcement.** Any person who violates any provision of this By-Law or of any Condition of a Permit issued pursuant to it shall be punished by a fine of not more than Three Hundred (\$300) Dollars. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This By-Law may be enforced pursuant to Massachusetts General Laws Chapter 40, Section 210, by a Town police officer or other officer having police powers. Upon the request of the Commission, the Select Board and Town Counsel shall take such legal action as may be necessary to enforce this By-Law and Permits issued pursuant to it. When the Conservation Commission determines that an activity is in violation of this By-Law, the regulations or a final order, the Commission may issue an enforcement order.

**And replacing with the following:**

## **2-701. Wetlands Control.**

**(a) Purpose.** The purpose of this By-Law is to protect the flood plains and wetlands of the Town of Longmeadow by controlling activities deemed to have a significant effect upon wetland values which include but are not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, fisheries, shellfish, wildlife, passive recreation and threatened or endangered species (collectively, the "interests protected by this Bylaw").

**(b) Jurisdiction.** No person shall remove, fill, dredge, alter or build upon or within one hundred (100) feet of any bank, freshwater wetland, beach, flat, marsh, wet meadow, bog, swamp or upon or within one hundred (100) feet of any pool or lake or intermittent brook, stream, creek, or river, or within two hundred (200) feet of any perennial brook, stream, creek or river or within one hundred (100) feet of any land under said waters or upon or within one hundred (100) feet of any land subject to flooding or inundation, or isolated wetlands, or within one hundred (100) feet of the 100-year storm line, other than in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other telecommunication services, without filing written application with the Longmeadow Conservation Commission for a Permit to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a Permit issued to this By-Law. For all projects, a



buffer of naturally occurring, undisturbed vegetation measuring fifty (50) feet from the edge of all wetlands is required. The provisions of this Section shall not apply to work performed for maintenance of land in agricultural use.

- (c) **Application.** Application for a Permit may be identical in form to a Notice of Intent filed pursuant to Massachusetts General Laws, Chapter 131, Section 40, and shall be sent by certified mail or hand delivered to the Longmeadow Conservation Commission. The Commission shall set a filing fee by regulation; such filing fee shall be payable to the Town of Longmeadow. Application must be filed concurrently with or after application for all other variances and approvals required by Zoning Bylaw, the Subdivision Control Law or any other By-Law or Regulation have been obtained. No filing fee is required when the Town of Longmeadow files an application for a Permit. A copy of the application shall be sent at the same time by certified mail or hand delivered to the *Department of Environmental Protection (“DEP”) or any successor agency* and abutter notification of the application shall be sent by certified mail. Upon written request of any person, the Commission shall, within twenty-one (21) days of receipt of this request make a written Determination of Applicability as to whether this By-Law applies to any land or work thereon. When the person requesting a Determination is other than the owner, notice of the Determination shall be sent to the owner s as well as to the requesting person.

The Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a prior Determination or for the purpose of carrying out its duties under this By-Law and may make or cause to be made such examination or survey as deemed necessary.

- (d) **Hearing.** The Commission shall hold a public hearing on the application for a Permit within twenty-one (21) days of its receipt. Notice of the time and place of the hearing shall be given by the Commission at the expense of the applicant, not less than five (5) days prior to hearing, by publication in the local newspapers and by notifying the Town Clerk at least forty-eight (48) hours in advance with the time and place of the hearing along with the agenda for posting in the Town Hall and the Town website. The Conservation Commission may, at its option, combine the hearing under this By-Law and the hearing conducted under the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40.

(1) **Permit and Conditions.** If, after the public hearing, the Commission determines that the area which is the subject of the application is significant to the interests protected by this By-Law, the Commission shall, within twenty-one (21) days of such hearing, issue or deny a Permit for the work requested. If it issues a Permit after making such determination, the Commission shall impose such conditions as it determines are necessary to desirable for protection of those interests, and all work shall be done in accordance with those conditions or it may deny the application. If the Commission determines that the area which is the subject of the application is not significant to the interests protected by this By-Law, or that the proposed activity does not require the imposition of conditions, it shall issue a Permit without conditions within twenty-one (21) days of the public hearing. Permits shall expire three years from the date of issuance, unless renewed prior to expiration, and all work shall be completed prior to expiration. A request for renewal shall be made in writing to the Conservation Commission at least two (2) weeks prior to date of expiration.

(2) **Denials.** The Conservation Commission is empowered to deny permission for any removal, dredging, filling or altering of subject lands within the Town if, in its judgment, such denial is necessary to preserve the interests described in this By-Law of either or both the subject lands and contiguous lands.

Due consideration shall be given to possible effects of the proposal on all values to be protected under this By-Law and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.

(3) **Emergency projects.** The notice required in this By-Law shall not apply to emergency projects necessary for the protection of health or safety of the citizens of the Town and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town.

- (e) **Pre-Acquisition Violation.** Any person who purchases, inherits or acquires real estate upon which work has been done in violation of the provisions of this By-Law or in violation of any Permit issued pursuant to this By-Law shall forthwith comply with any such order or restore such land to its condition prior to any such violation; however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such real estate was acquired by such person, pursuant to the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40.

- (f) **Regulations.** After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this By-Law. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of the By-Law.

**(g) Burden of Proof.** The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this By-Law. Failure to provide adequate evidence to the Commission supporting a determination that the proposed work will not harm the interests protected by this By-Law shall be sufficient cause for the Commission to deny a Permit or grant a Permit with conditions, or, in the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

**(h) Definitions.** The following definitions shall apply in the interpretation and implementation of this By-Law:

**(1) "Person".** The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agencies, public or quasi-public corporations or bodies, the Town of Longmeadow, and any other legal entity, its legal representatives, agents or assigns.

**(2) "Alter".** The term "alter" shall include, without limitation, the following actions when undertaken in areas subject to this by-Law:

- (a) Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- (b) Changing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;
- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life, including cutting of trees and shrubs;
- (h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

**(3) "Banks".** The term "banks" shall mean that part of land adjoining any body of water which confines the water.

**(4) "Freshwater Wetlands".** The term "freshwater wetlands" as used in this By-Laws shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting sub state for a plant community for at least five (5) months of the year; emergent or submergent plant communities in inland waters; that portion of any bank which touches any inland waters.

**(5) "Isolated Wetlands".** Isolated Wetlands are Freshwater Wetlands that do not border on creeks, rivers, streams, ponds and lakes. Some isolated depressions which hold standing water for extended periods of time, perhaps continuously, such as certain kettle holes too small to be called ponds or lakes are isolated wetlands.

**(6) "Agricultural Practices".**

- (a) The term "land in agricultural use" shall mean any qualifying wetland within a farm which is qualified or eligible to be qualified under the Farmland Assessment Act, Massachusetts General Laws, Chapter 61A, Sections 1-5;
- (b) The term "qualifying wetland" shall mean only areas which are seasonally flooded basins of flats or inland freshwater meadows;
- (c) The term "normal maintenance of land in agricultural use" shall have the same meaning as the definition contained in the Wetlands Protection Act Regulations of the Department of Environmental Protection found at 310 CMR 10.04(b).

**(7) Additional Definitions.** The Commission may adopt additional definitions not inconsistent with sub-section (g), in its regulations promulgated pursuant to sub-section (e) of this By-Law.

**(i) Security.** The Commission may require, as a Permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

- (1) By a bond or deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of Longmeadow;
- (2) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered and).

**(j) Enforcement.** No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected this By-Law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this By-Law.

The Commission, it agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this By-Law and may make or cause to be made such examinations,

surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this By-Law, its regulations and Permits issued thereunder by violation notices, orders and civil and criminal court actions. Any person who violates any provisions of this By-Law or any condition of a Permit issued pursuant to this By-Law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both. When the Conservation Commission determines that an activity is in violation of this By-Law, the regulations or an order, the Commission may issue an enforcement order.

Upon request of the Commission, the Select Board and Town Counsel shall take legal action for enforcement under civil law. Town boards and officers, including any Town police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this By-Law, or regulations, Permits, or orders issued thereunder, or has failed to obtain the necessary Commission approval, shall be punished by a fine of not more than three hundred (\$300) dollars pursuant to Massachusetts General Laws Chapter 40, Section 21D. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of this By-Law, regulations, Permits, or orders violated shall constitute a separate offense.

- (k) Appeals.** A decision of the Commission shall be reviewable in the Superior Court in accordance with Massachusetts General Laws Chapter 249, Section 4.
- (l) Relation to Wetlands Protection Act.** This By-Law is adopted under the Home Rule Amendments of the Massachusetts Constitution and the Home Rule statutes, independent of the Massachusetts Wetland Protection Act, Massachusetts General Laws Chapter 131, Section 40 and the Wetlands Protection Act Regulations of the Department of Environmental Protection, 310 CMR 10.00.
- (m) Severability.** The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit or determination which previously has been issued pursuant to this By-Law.

#### **CONSENT AGENDA 8 – Articles 33 and 34 and 35.**

**The Moderator declared a 2/3rds Majority Affirmative vote to approve Articles 33, 34 and 35 as part of a consent agenda.**

#### **ARTICLE 33.**

The Moderator declared a 2/3rds Majority Affirmative vote to amend the Town's Zoning Bylaws by amending the following sections:

Proposed amendment to Article IV. Sec. B. 6.6. of the Longmeadow Zoning By-law: Add (as a second sentence), "A connected facility is any facility for receiving, processing, and otherwise handling natural gas for sale to consumers."

#### **ARTICLE 34.**

The Moderator declared a 2/3rds Majority Affirmative I move that the Town vote to amend the Town's Zoning Bylaws by amending the following sections:

Proposed amendment to Article XI. Section D. 1 (m) of the Longmeadow Zoning By-law:

Delete 1 (m) "A traffic study to include:"

Replace with 1 (m) "At its discretion, the Planning Board may commission an independent traffic study, to be paid for by the Applicant, which shall include:"

#### **ARTICLE 35.**

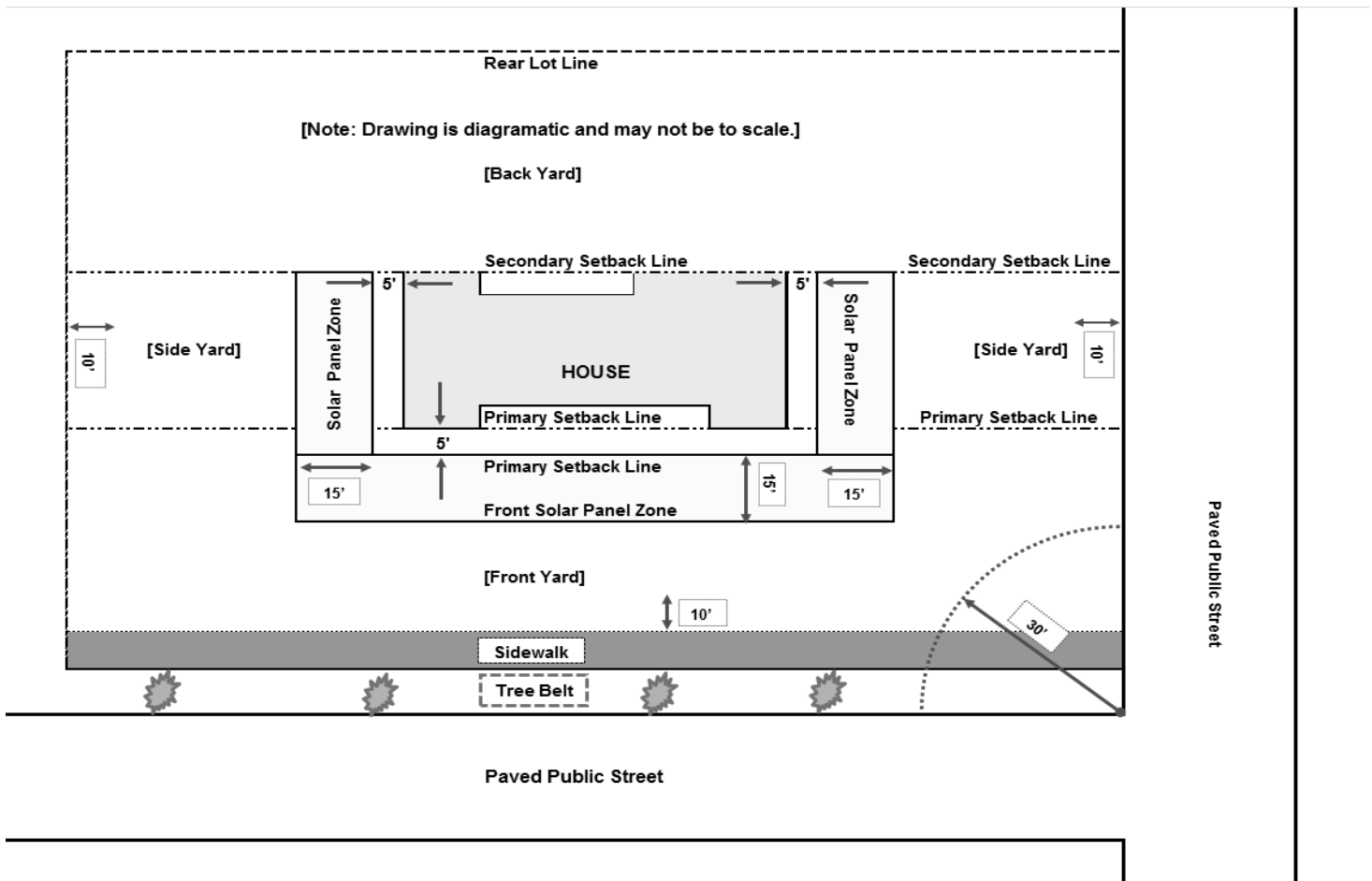
The Moderator declared a 2/3rds Majority Affirmative vote to amend the Town's Zoning Bylaws by amending the following sections:

1. Add Article XV (B) (8) DEFINITIONS: "Facilities of natural gas utilities and facilities of pipeline operators include: Pressure regulating, pressurizing, odorizing, heating and fire suppressing equipment and associated building, pipes, valves, tanks and all other equipment and materials for handling and distributing natural gas."
2. Delete Article XV (E) (5) "Testing and Low Frequency Noise"
3. Add a last sentence in Article XV (I) PENALTIES AND FINES: "Fines, payable to the Town, shall be imposed at the rate of \$300.00 per day, for each day that such violation continues, pursuant to M.G.L.c. 40, Section 21."

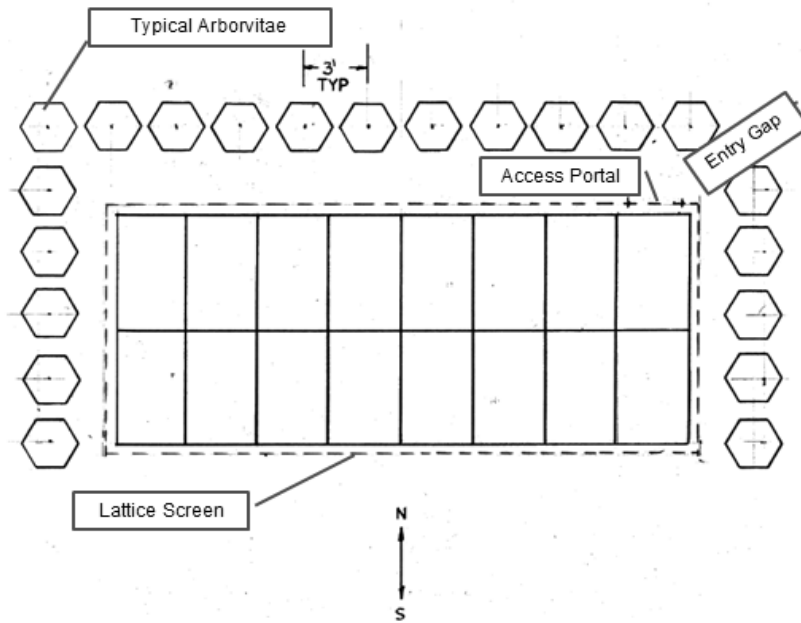
#### **ARTICLE 36.**

It was a Unanimous Affirmative vote to take no action on Article 36 to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property with the following regulations:

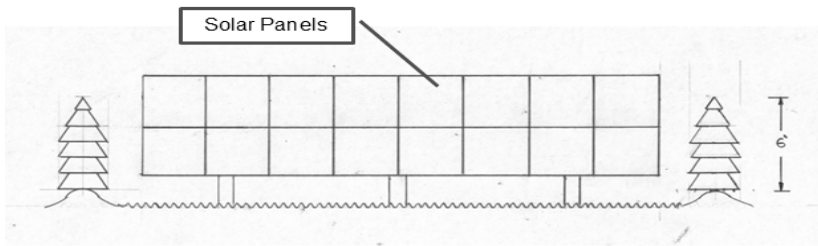
1. The solar panels shall be in a single row parallel to the building foundation; the single row may include multiple solar panels in height and length. The highest position of the array of solar panels and supporting structure shall not be more than **8'-6"** above grade; the lowest upward edge of the solar panel(s) shall be a minimum of **1'-0"** above grade to allow snow and water runoff;
2. The minimum pitch of the solar panels shall be **20°** above the horizontal; the maximum pitch shall be **70°** above the horizontal;
3. The total power rating of the ground-mounted photovoltaic panels shall not exceed **9.0** kilowatts per property;
4. Solar panels and supporting structures shall be located in **15'** wide zones that are offset a minimum of **5'** from the building foundation. The solar panels and related equipment shall not unreasonably interfere with the egress from windows; solar panels shall not be placed in front of egress doorways. Such solar panel structures shall not be closer than within **10'** of the front and side property lines, public road curbs, tree belts, or public sidewalks, and not within **30'** of the nearest road curb at the junction of a traffic intersection [see Diagram 1, Solar Panel Zone Diagram];
5. Each solar panel array shall be skirted on all perimeter sides that are in view from a public way or abutting neighbor with tan, green, gray, or wood lattice and evergreen shrubbery to soften aesthetic appearance; the evergreen shrubbery species selected shall be able to achieve the full height of the solar array and be planted no less than **3'-0"** on center. Evergreen species to include, but not be limited to Arborvitae, Yew, Boxwood, or Spruce (see plan view, front view, and end view diagrams);
6. All solar panel systems to be subject to local permitting and inspection by the local building commissioner. The solar panel system equipment to comply with applicable Commonwealth building, mechanical, electrical, plumbing, and other relevant code standards as well as standards of good engineering practice. A solar panel system will not be permitted if it can be demonstrated by the local building commissioner that the solar panels or any of the related equipment would create a condition that jeopardizes the public health, safety, or welfare.



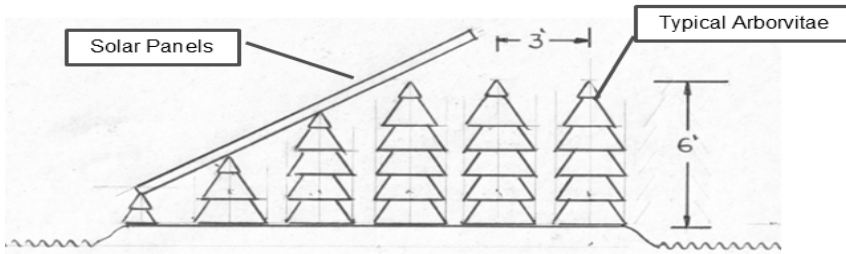
**Diagram 1**  
**Solar Panel Zone Diagram**



**Shrubbery and Lattice Fence Details**



**Front View (Facing North)**  
**[Lattice screen not shown]**



**End View (Facing West)**  
**[Lattice screen not shown]**

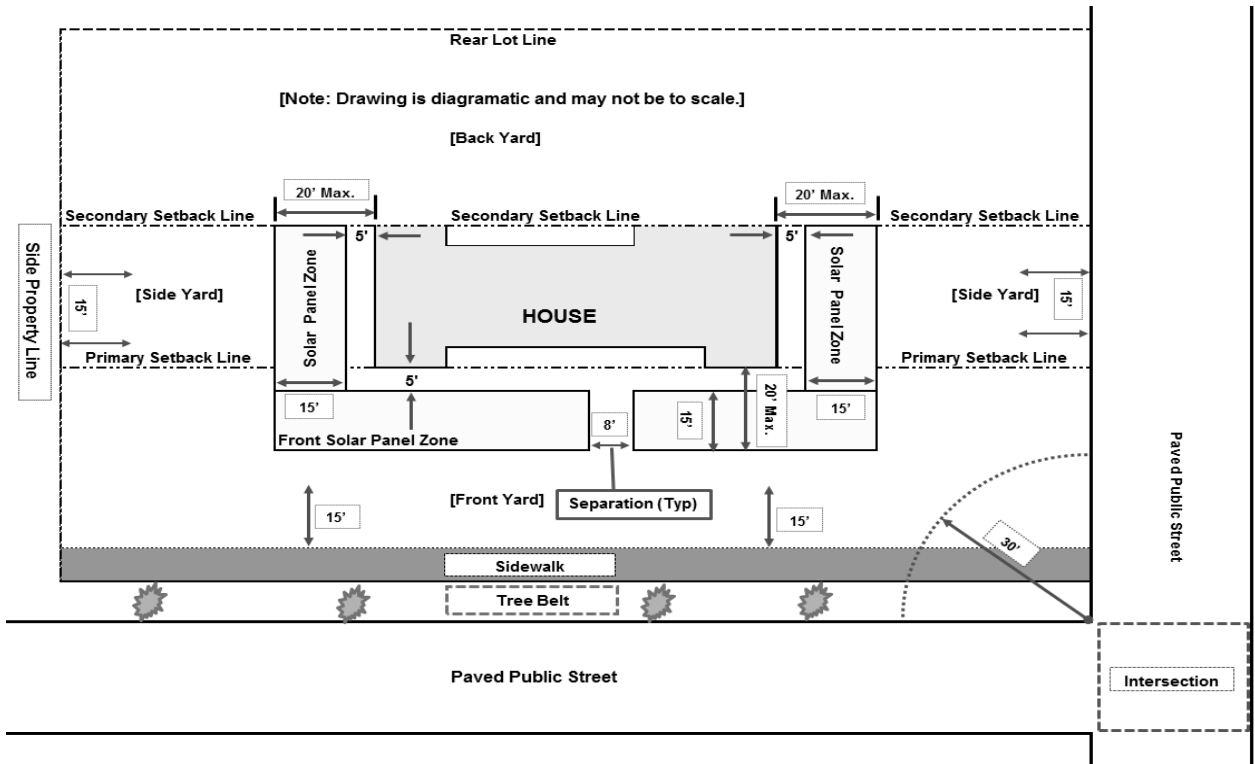
[Plan View]

## ARTICLE 37.

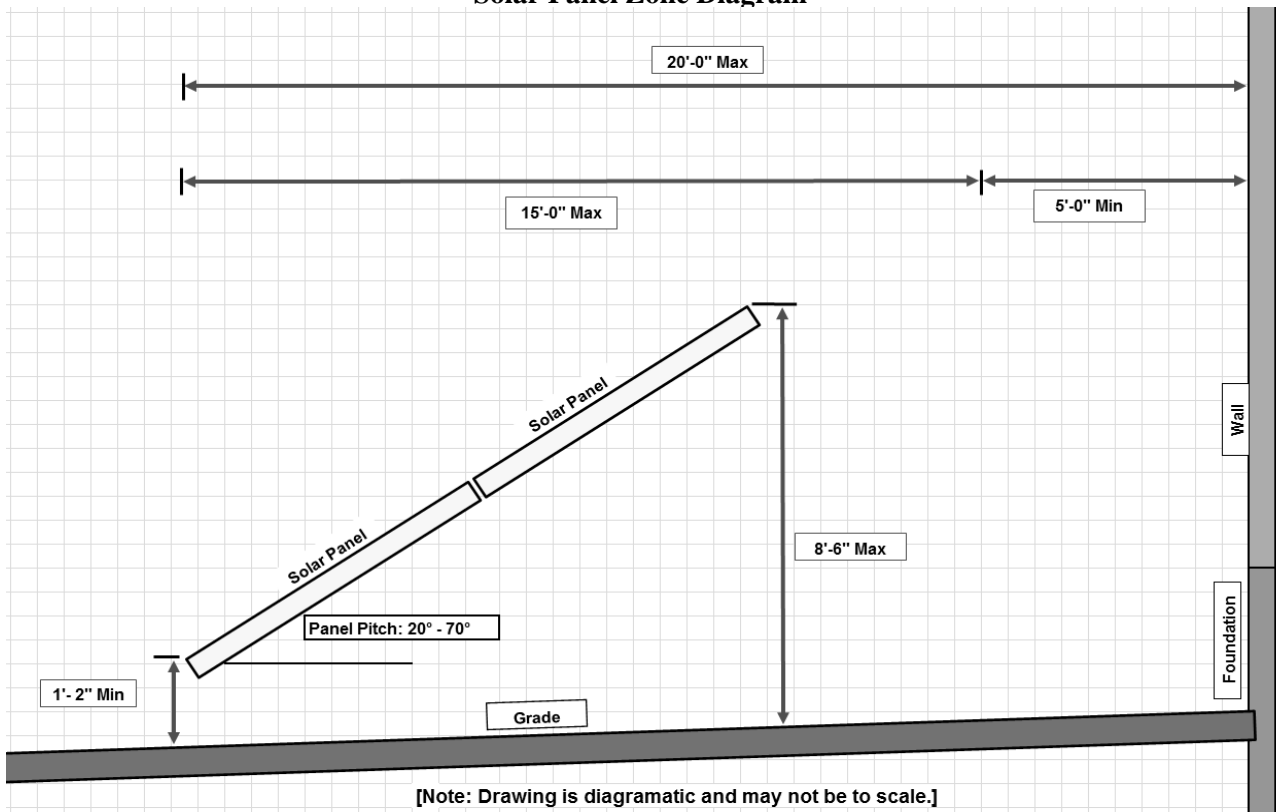
## Citizen Petition-2

It was a Unanimous Affirmative vote to refer Article 37 to the Planning Board and to bring this back to the next Town Meeting for a vote to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property with the following regulations:

1. Solar panels and supporting structures shall be located in zones up to **15'** (fifteen feet) wide that are offset a minimum of **5'** from the building foundation; the maximum parallel distance from the foundation to the edge of a solar panel zone shall be **20'**. There shall be an **8'** separation in any solar panel zone at least every **23'** to allow access. The solar panels and related equipment shall not unreasonably interfere with the egress from windows; solar panels shall not obstruct doorway egress. Such solar panel structures shall not be closer than within **15'** of the front or side property lines, public road curbs, tree belts, public sidewalks, easements, or right of way, and not within **30'** of the nearest road curb at the junction of a traffic intersection [see Diagram 1, Solar Panel Zone Diagram];
2. The solar panels in each zone shall form a single row and be parallel to the correlating building foundation; the single row may include multiple solar panels in height and width/length. The highest position of the array of solar panels and supporting structure(s) shall not be more than **8'-6"** (eight feet plus six inches) above grade; the lowest upward edge of the solar panel(s) shall be a minimum of **1'-2"** above grade to allow snow and water runoff. The minimum pitch of the solar panels shall be **20°** (20 degrees) above the horizontal; the maximum pitch shall be **70°** above the horizontal; panels shall pitch downward and away from the foundation [see Diagram 2, Cross-Sectional View];
3. The total power rating of the ground-mounted photovoltaic panels shall not exceed **9.0** kilowatts per property;
4. Each solar panel array shall be skirted on all perimeter sides that are in view from a public way or abutting neighbor with natural wood lattice, or tan, green, or gray vinyl lattice, and evergreen shrubbery to soften the aesthetic appearance. The evergreen shrubbery species selected shall be able to achieve the full height of the solar array and be planted no less than **3'-0"** on center. Evergreen species to include, but not be limited to Arborvitae, Yew, Boxwood, or Spruce (see plan view, front view, and end view diagrams);
5. All solar panel systems to be subject to local permitting and inspection by the local building commissioner. The solar panel system equipment shall comply with applicable Commonwealth building, mechanical, electrical, plumbing, and other relevant code standards as well as standards of good engineering practice. A solar panel system will not be permitted if it can be demonstrated by the local building commissioner, fire department, or the police department that the subject solar panels or any of the related equipment would create a condition that could jeopardize the public health, safety, or welfare.

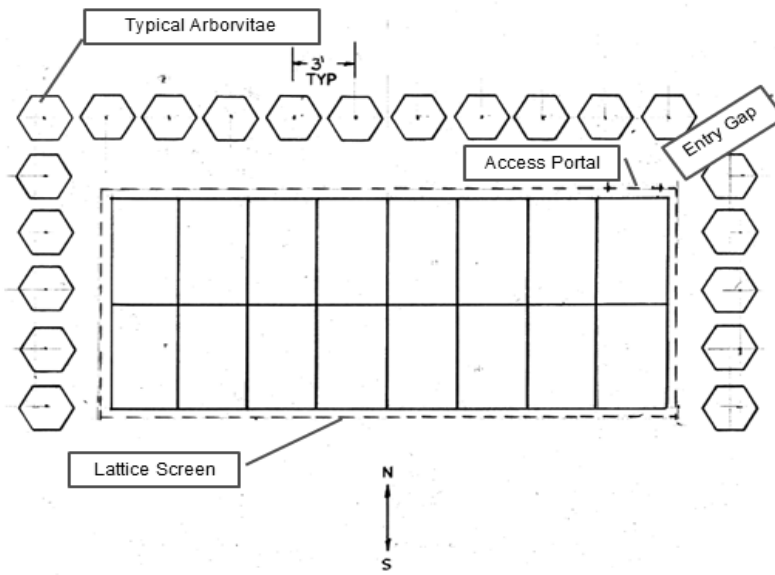


**Diagram 1**  
**Solar Panel Zone Diagram**

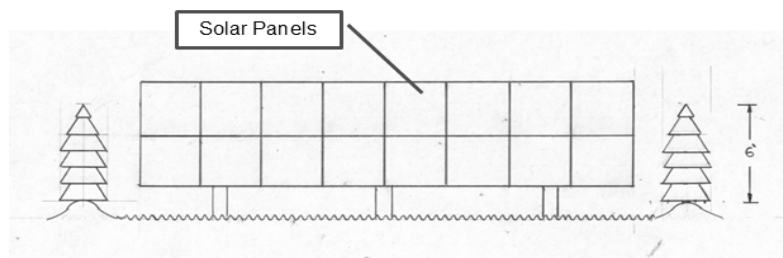


**Diagram 2**

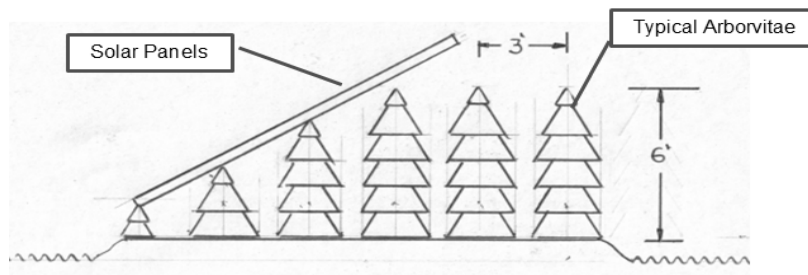
### Cross-Sectional View



**Shrubbery and Lattice Fence Details  
[Plan View]**



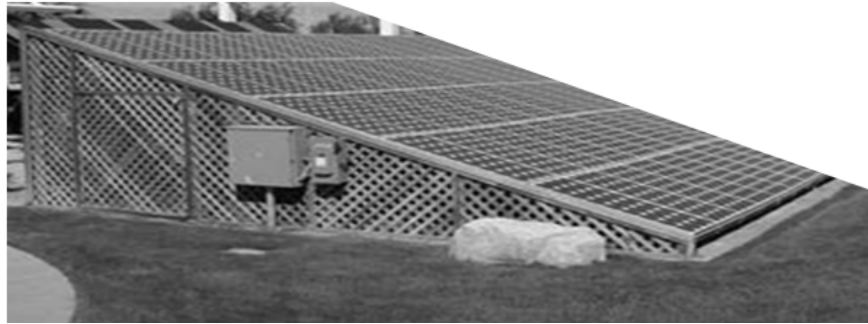
**Front View (Facing North)  
[Lattice screen not shown]**



**End View (Facing West)  
[Lattice screen not shown]**

It is proposed to allow solar panels to be installed on side yard and front yards and soften the aesthetics by shrouding the solar panels with lattice and shrubbery.



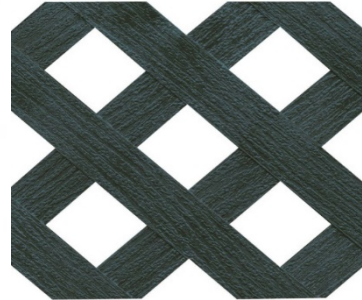


Solar panels to be shrouded with vinyl or wood lattice fence material to conceal support structure and underside of solar panels as typical photograph demonstrates above.

Evergreen shrubbery to be placed in front of lattice @ three foot on-center spacing.



**Vinyl Diamond Lattice**



**Close-up of Lattice**

**ARTICLE 38.**

**Citizen Petition-3**

It was a Majority Affirmative vote to refer this to the Select Board for the next Town Meeting for the Town vote to amend 6-314 of the General Bylaws (Billboards, Signs, and Other Advertising Devices) by adding to allow for business advertising on Longmeadow Parks and Recreation Athletic Fields listed below in italics.

g) Temporary signs related to sponsorship for purposes of generating funding for Park and Recreation shall be limited to park zoned areas as found within the Towns Zoning Laws,

- (i) It is the intent of the Longmeadow Parks and Recreation Department to preserve its full rights and discretion to reject or refuse placement or require removal of any or all commercial messages or advertisements that do not comply with the guidelines set forth by the Parks and Recreation Department.
- (ii) To the extent that any such messages and advertisement are accepted, it is the intent of the Parks and Recreation Department to reserve and exercise the right of full editorial control over the placement, content, size, appearance, and wording, and to determine and prohibit those that are deemed inappropriate.

The meeting dissolved at 8:48 p.m.

The number of registered voters in attendance was 299 (2.53% of eligible voters), there being 11,833 registered voters as of June 3, 2020.

*Katherine T. Ingram*  
Town Clerk





